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APR 25 2007

Remarks

Applicant respectfully requests reconsideration of this application as amended.

Claims 1, 10 18 and 24 have been amended. Claims 4 and 13 have been cancelled.

Therefore, claims 1, 2, 6-11, 15-19, 22-25, 28, and 29 are presented for examination.

Claims 1-2, 10-11, 17-19, and 24-25 stand rejected under 35 U.S.C. §102(b) as being taught by Morrison (U.S. Patent No. 6,170,052). Further, claims 6-9, 15-16, 22-23 and 28-29 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Morrison in view of Sprangle and Pratt's "Facilitating Superscalar Processing via a Combined Static/Dynamic Register Renaming Scheme" © 1994. Finally, claims 4 and 13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Morrison in view of Rodgers et al. (U.S. Patent No. 6,496,925). Applicant submits that the above rejections have been obviated by the above amendments to claims 1, 10, 18 and 24, and the cancellation of claims 4 and 13.

However, the limitations of claims 4 and 13, rejected in view of Morrison and Rodgers, have been included in independent claims 1, 10, 18 and 24. Applicant submits that Rodgers may not be considered as prior art precluding patentability of the present application.

Section 103(c) states that:

Subject matter developed by another person, which qualifies as prior art only under one or more of the subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Rodgers is considered prior art under 35 U.S.C. §102(e) because it was filed prior to the filing of the present application, but was published after the filing of the present application (effective filing date: 09-19-2003). Additionally, at the time of conception of the present application, the Rodgers reference and the application were both subject to an obligation of assignment to Intel Corporation. Therefore, due to the §102(e) status, and in light of §103(c), Rodgers cannot be used as a reference to preclude the patentability of claims 22-26 under 35 U.S.C §103. Applicant respectfully requests the withdrawal of the rejection of the claims under 35 U.S.C. §103 in view of Morrison and Rodgers since Morrison alone does not preclude the patentability of the present claims.

Applicant respectfully submits that the rejections have been overcome and that the claims are in condition for allowance. Accordingly, applicant respectfully requests the rejections be withdrawn and the claims be allowed.

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

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Date: April 25, 2007

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Docket No. 42P17404
Application No. 10/666,343